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July 8, 2009

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VIA HAND DELIVERY

Special Agent Steve McFall
Special Agent Andrew M. Fisher
Federal Bureau of Investigation
710 Locust Street, Suite 600
Knoxville, TN 37902

RE: United States v. David C. Kernell,
USDC EDTN No. 3:08-cr-142

Dear Special Agents McFall and Fisher:

This letter is submitted on behalf of David Kernell. Accompanying this letter is a subpoena requiring your presence for testimony at the hearing set before the Honorable Clifford Shirley, on Thursday, July 16, 2009 at 9:30 a.m.

In accordance with any applicable *Touhy* regulations, I am providing notice that your testimony is required regarding the search and seizure of the laptop computer pursuant to a search warrant on or about September 20, 2008. Testimony will be sought regarding the specifics of searching and seizing computer systems as described in the affidavit in support of the search warrant as well as the execution of the warrant, including the subsequent forensic examination process as well as all matters set forth in the pending motion to suppress.

Should you have any questions or wish to discuss this matter further, please do not hesitate to contact me.

With kindest regards,

RITCHIE, DILLARD & DAVIES, P.C.



WADE V. DAVIES

WVD:djr

Enclosure

cc: ✓AUSA Greg Weddle (w/enc.)

UNITED STATES DISTRICT COURT

for the
Eastern District of Tennessee

United States of America)

v.)

DAVID C. KERNELL) Case No. 3:08-cr-142

Defendant)

SUBPOENA TO TESTIFY AT A HEARING OR TRIAL IN A CRIMINAL CASE

To: Special Agent Steve McFall
Federal Bureau of Investigation
710 Locust Street, Suite 600
Knoxville, TN 37902

YOU ARE COMMANDED to appear in the United States district court at the time, date, and place shown below to testify in this criminal case. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place of Appearance: U.S. District Court 800 Market Street Knoxville, TN 37902	Courtroom No.: 3B
	Date and Time: 07/16/2009 9:30 am

You must also bring with you the following documents, electronically stored information, or objects (*blank if not applicable*):

Date: 07/08/2009

CLERK OF COURT

Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the attorney representing (*name of party*) David C. Kernell
, who requests this subpoena, are:

Wade V. Davies
Ritchie, Dillard & Davies, P.C.
606 W. Main Street, Suite 300
Knoxville, TN 37902
(865) 637-0661
wdavies@rddlawfirm.com

Case No. 3:08-cr-142

PROOF OF SERVICE

This subpoena for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the subpoena on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the subpoena at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the subpoena on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because _____; or

☐ Other *(specify)*: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
 tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
 \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the
Eastern District of Tennessee

United States of America)

v.)

DAVID C. KERNELL) Case No. 3:08-cr-142

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Knoxville, TN 37902
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 designated by law to accept service of process on behalf of *(name of organization)* _____
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Server's signature

Printed name and title

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Additional information regarding attempted service, etc: